UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,104	08/10/2001	Francisco O'Meany	WCTI2001	3891

7590 06/10/2004

H. Michael Brucker
Suite 110
5855 Doyle Street
Emeryville, CA 94608

EXAMINER	
CHANG, ERIC	

ART UNIT	PAPER NUMBER
2116	

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/927,104	O'MEANY, FRANCISCO	
	Examiner	Art Unit	
	Eric Chang	2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 August 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 August 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-26 are pending.

Claim Objections

2. Claim 26 is objected to because of the following informalities: the word "claIm" in line 1 of the claim should read, "claim". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 7-10, 15-16 and 25-26 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,633,823 to Bartone et al.

5. As to claim 1, Bartone discloses a wireless remote control system for controlling power distribution from a power source to a computer the combination comprising: a master controller computer (22) for generating power distribution signals [col. 6, lines 45-48]; a wireless signal receiver (36) for receiving power distribution signals [col. 5, lines 29-67]; a wireless signal transmission link (46) delivering power distribution signals from said master controller to said

wireless signal receiver [col. 6, lines 3-10]; an external power switch disposed between the power source and the computer and having an open condition in which the power source is disconnected from the computer and a closed condition in which the power source is connected to the computer [col. 5, lines 59-67]; an intelligent agent (30) that receives signals from said wireless signal receiver [FIG. 3], distributes control signals to and receives signals from the computer to be controlled and controls the condition of said power switch [col. 5, lines 11-45]; a two-way communication link (32) between the computer to be controlled and said intelligent agent over which signals between said intelligent agent and the computer to be controlled are transmitted [col. 5, lines 11-28].

6. As to claim 2, Bartone discloses a database of information about the controlled computer and used by said master controller computer to generate a computer shutdown control signal that is recognized by the controlled computer [col. 6, lines 11-18].

7. As to claim 7, Bartone discloses said two-way communication link is a wireless link [col. 5, lines 40-45].

8. As to claim 8, Bartone discloses a wireless remote control system for controlling power distribution to a plurality of computers, the combination comprising: a master controller computer for generating power distribution signals [col. 6, lines 11-18]; a wireless signal receiver for receiving power distribution signals [col. 5, lines 29-67]; a wireless signal transmission link delivering power distribution signals from said master controller to said

wireless signal receiver [col. 6, lines 3-10]; an intelligent agent (30) that receives signals from said wireless signal receiver [FIG. 3], said intelligent agent having a plurality of two-way communication links, one between said intelligent agent and each of the plurality of computers, wherein said intelligent agent can distribute control signals to and receives signals from each of the plurality of computers and controls the power condition of said computers [col. 5, lines 11-45]. Because Bartone teaches the control signals from the intelligent agent activate and deactivate a computer [col. 5, lines 59-65], Bartone teaches turning off the computer, such as disconnecting said computer from its power supply by means of opening a switch, substantially as claimed. Furthermore, Bartone teaches that the control signals allow the central controller computer to directly control the plurality of computers [col. 3, lines 62-67], and that each one of said plurality of computers may be controlled individually [col. 4, lines 18-21]. Thus Bartone teaches that the control signals are directed towards an individual computer, and inherently comprises a unique addressing means for the control signal to be sent to the particular computer, substantially as claimed.

9. As to claim 9, Bartone discloses said two-way communication link is a wireless link [col. 5, lines 40-45].

10. As to claim 10, Bartone discloses a database of information about the controlled computer and used by said master controller computer to generate a computer shutdown control signal that is recognized by the controlled computer [col. 6, lines 11-18].

11. As to claims 15 and 16, Bartone discloses the intelligent agents receive wireless signals to manage activating, deactivating, or limiting the power to the controlled computers [col. 10, lines 22-31]. Furthermore, because Bartone teaches the control signals from the intelligent agent activate and deactivate a computer [col. 5, lines 59-65], Bartone teaches turning off the computer, such as disconnecting said computer from its power supply by means of opening a switch, wherever the switch may be disposed, substantially as claimed.

12. As to claim 25, Bartone discloses a wireless remote control system for controlling power distribution to a plurality of computers, the combination comprising: a master controller computer for generating power distribution signals [col. 6, lines 11-18]; a wireless signal receiver for receiving power distribution signals [col. 5, lines 29-67]; a wireless signal transmission link delivering power distribution signals from said master controller to said wireless signal receiver [col. 6, lines 3-10]; an intelligent agent that receives signals from said wireless signal receiver and distributes them to the computer to which they are addressed and to the internal power switch of the computer addressed [FIG. 3, and col. 5, lines 11-45]. Because Bartone teaches the control signals from the intelligent agent activate and deactivate a computer [col. 5, lines 59-65], Bartone teaches turning off the computer, such as disconnecting said computer from its power supply by means of opening a switch, wherever the switch may be disposed, substantially as claimed. Furthermore, Bartone teaches that the control signals allow the central controller computer to directly control the plurality of computers [col. 3, lines 62-67], and that each one of said plurality of computers may be controlled individually [col. 4, lines 18-21]. Thus Bartone teaches that the control signals are directed towards an individual computer,

and inherently comprises a unique addressing means for the control signal to be sent to the particular computer, substantially as claimed.

13. As to claim 26, Bartone discloses the signals transmitted to the wireless signal receiver include computer shutdown signals and computer startup signals [col. 10, lines 22-31].

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15. Claims 3-6, 11-14 and 17-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,633,823 to Bartone et al.

16. As to claims 3 and 11, Bartone discloses the controlled computer responds to a to a computer shutdown signal by executing an orderly shutdown routine and then transmits a signal indicating that it is safe to disconnect the power source from the controlled computer, which signal is transmitted to said intelligent agent [col. 10, lines 28-31]. Bartone teaches that the controlled computer may have a power conservation mode, and that the intelligent agent may activate or deactivate this mode as desired, causing the computer to enter such a mode in a safe and orderly fashion. It would be obvious to one of ordinary skill in the art that the process of

activating or deactivating such a mode would comprise any necessary communication protocols, such as safety indication messages or the like, in order for the power conservation mode to be activated or deactivated, substantially as claimed.

17. As to claims 4 and 12, Bartone discloses the intelligent agents manage activating, deactivating, or limiting the power to the controlled computers [col. 10, lines 22-31]; it would be obvious to one of ordinary skill in the art that limiting the power to a computer would comprise disconnecting the power source from the controlled computer, substantially as claimed. Furthermore, it would be obvious to one of ordinary skill in the art that the process of having the intelligent agent managing the power of the controlled computer would comprise any necessary communication protocols, such as safety indication messages or the like, in order for the power conservation mode to be activated or deactivated, substantially as claimed.

18. As to claims 5 and 13, Bartone discloses the controlled computer may have a power conservation mode, and that the intelligent agent may activate or deactivate this mode as desired [col. 10, lines 28-31]. Because ACPI is a power conservation mode, it would be inherent for the control process to comprise any necessary ACPI signals in order for the power conservation mode to be activated or deactivated, substantially as claimed.

19. As to claims 6 and 14, Bartone discloses that the master controller, the intelligent agent and the computers to be controlled are all part of a network [col. 5, lines 48-45, and col. 6, lines 7-10]. It would be obvious to one of ordinary skill in the art that secure communication

technology such as authentication protocols well known in the art be implemented in the network, in order to prevent unauthorized access to the devices within the power control system. Indeed, Bartone teaches the use of secure and authenticated communication technology, such as VPN [col. 5, lines 3-6] or other secure network protocols [col. 7, lines 57-67, and col. 8, lines 1-3], in other aspects of the invention. Thus, Bartone teaches it would be obvious to one of ordinary skill in the art to use authenticated communications, comprising security information identifying the control signal as an authorized signal wherein said intelligent agent only distributes a control signal to the computer to be controlled if the security information is authentic, substantially as claimed.

20. As to claim 17, Bartone discloses the intelligent agents receive wireless signals to manage activating, deactivating, or limiting the power to the controlled computers [col. 10, lines 22-31]. Furthermore, because Bartone teaches the control signals from the intelligent agent activate and deactivate a computer [col. 5, lines 59-65], Bartone teaches turning off the computer, such as disconnecting said computer from its power supply by means of opening a switch, wherever the switch may be disposed, substantially as claimed.

21. As to claim 18, Bartone discloses a method of wirelessly controlling one or more remote devices to be controlled, including the steps of: providing a database (22) with specific information relating to each device to be controlled [col. 5, lines 48-50]; generating a device control signal using information from the database [col. 6, lines 16-18]; wirelessly transmitting the device control signal to a satellite receiving station [FIG. 3, element 52, and col. 6, lines 45-

54]; wirelessly transmitting the device control signal from the satellite receiving station to a control signal transceiver [col. 5, lines 29-45]; distributing the control signal from the transceiver to the device to be controlled [col. 5, lines 17-21]; and generating a signal that controls some aspect of the device to be controlled [col. 5, lines 59-67]. Although Bartone does not specifically teach the device transmitting a signal to the transceiver that it is ready to be controlled, Bartone does teach that intelligent agent can control the power mode of the device [col. 10, lines 22-31]. It would be obvious to one of ordinary skill in the art that the process of having the intelligent agent managing the power of the controlled computer would comprise any necessary communication protocols, such as readiness indication messages or the like, in order for the power conservation mode to be activated or deactivated, substantially as claimed.

22. As to claim 19, Bartone discloses a method of wirelessly controlling one or more remote devices to be controlled, including the steps of: generating a device control signal [col. 6, lines 11-18]; wirelessly transmitting the device control signal to a satellite receiving station [FIG. 3, element 52, and col. 6, lines 45-54]; wirelessly transmitting the device control signal from the satellite receiving station to a control signal transceiver [col. 5, lines 29-45]; distributing the control signal from the transceiver to the device to be controlled [col. 5, lines 17-21]; and generating a signal that controls some aspect of the device to be controlled [col. 5, lines 59-67]. Although Bartone does not specifically teach the device transmitting a signal to the transceiver that it is ready to be controlled, Bartone does teach that intelligent agent can control the power mode of the device [col. 10, lines 22-31]. It would be obvious to one of ordinary skill in the art that the process of having the intelligent agent managing the power of the controlled computer

would comprise any necessary communication protocols, such as readiness indication messages or the like, in order for the power conservation mode to be activated or deactivated, substantially as claimed.

23. As to claim 20, Bartone discloses a method of wirelessly controlling power distribution to a plurality of computers each of which is connected to a power source, including the steps of: generating power distribution control signals addressed to one or more of the plurality of computers [col. 6, lines 11-18]; wirelessly transmitting the power distribution control signals to a satellite receiving station [FIG. 3, element 52, and col. 6, lines 45-54]; wirelessly transmitting the power distribution control signals from the satellite receiving station to a control signal receiver [FIG. 3, and col. 5, lines 29-45]; distributing control signals from the control signal receiver to an intelligent agent [col. 5, lines 17-21]; transmitting over a two-way communication link a control signal from the intelligent agent to each of the plurality of computers addressed by the signal [col. 5, lines 17-21]; and disconnecting from its power source each computer from which a safe-to-shut-down signal is received by the intelligent agent [col. 5, lines 59-67]. Although Bartone does not specifically teach the device transmitting a signal to the intelligent agent that it is safe to shut down, Bartone does teach that intelligent agent can control the power mode of the device [col. 10, lines 22-31]. It would be obvious to one of ordinary skill in the art that the process of having the intelligent agent managing the power of the controlled computer would comprise any necessary communication protocols, such as safety indication messages or the like, in order for the power conservation mode to be activated or deactivated, substantially as claimed.

24. As to claim 21, Bartone discloses the controlled computer may have a power conservation mode, and that the intelligent agent may activate or deactivate this mode as desired [col. 10, lines 28-31]. Because ACPI is a power conservation mode, it would be inherent for the control process to comprise any necessary ACPI signals in order for the power conservation mode to be activated or deactivated, substantially as claimed.

25. As to claim 22, Bartone discloses that the master controller, the intelligent agent and the computers to be controlled are all part of a network [col. 5, lines 48-45, and col. 6, lines 7-10]. It would be obvious to one of ordinary skill in the art that secure communication technology such as authentication protocols well known in the art be implemented in the network, in order to prevent unauthorized access to the devices within the power control system. Indeed, Bartone teaches the use of secure and authenticated communication technology, such as VPN [col. 5, lines 3-6] or other secure network protocols [col. 7, lines 57-67, and col. 8, lines 1-3], in other aspects of the invention. Thus, Bartone teaches it would be obvious to one of ordinary skill in the art to use authenticated communications, comprising security information identifying the control signal as an authorized signal wherein said intelligent agent only distributes a control signal to the computer to be controlled if the security information is authentic, substantially as claimed.

26. As to claims 23-24, Bartone discloses said two-way communication link is a wireless link [col. 5, lines 40-45].

Conclusion

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Chang whose telephone number is (703) 305-4612. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (703) 308-1159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ec
May 7, 2004

LYNNE H. BROWNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER ~~3600~~ 2100